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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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LEE, WILSON

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/726,394

Applicant(s)

LOUGHREY, JAMES F.

Examiner

Wilson Lee

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-18, 20-27, 32-36 and 39-47 is/are pending in the application.
- 4a) Of the above claim(s) 40-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 13-18, 20-26, 32-36 and 39 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Remarks**

Newly submitted claims 40-47 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, 7-18, 20-27, 32-36, 39, drawn to a computerized light bulb, classified in class 315, subclass 312.
- II. Claims 40-47, drawn to a light source regulator classified in class 315, subclass 291.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the group I does not require a transformer, high power devices, low power devices for regulating power to the light source. The subcombination has separate utility such as portable flash light since it does not have a computer inside to provide network communication.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 40-47 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### **Claim Rejections – 35 U.S.C. 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 7 and 20, “two connectors is 256 connectors” is vague. How can two connectors become 256 connectors?

### **Claim Rejections – 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-10, 13-18, 21-26, 32-33, 35-36, 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Kayser et al. (6,333,602).

Regarding claim 1, Kayser discloses a self-contained computerized variable intensity light controller (160) comprising:

- At least two connectors (connectors on each side of the fluorescent light shown in Figures 1M and 1N) adapted to provide power to two fluorescent light sources (See Col. 4, lines 43-50 and Col. 5, lines 1-4);

- a power source connector (104 shown in Figure 2A or 204 shown in figure 4) for connecting the light controller to a power source (126, the plug shown n Figure 2A); and
- a computerized light control (206) connected to, and integrated with, the power source connector (204) for receiving power and connected to the connectors for providing power to the two connectors without using a filter, a phase-fired SCR, a choke and an amplifier.

Regarding Claim 2, Kayser discloses a plurality of light sources (See Col. 4, lines 43-50) mounted in the two connectors (See Figures 1M and 1N); wherein the fluorescent light sources comprise one of the fluorescent bulbs (See Col. 5, lines 1-4).

Regarding Claim 3, Kayser discloses that the controller comprises a computer (216) (See Figure 4).

Regarding Claim 4, Kayser discloses that the controller comprises at least a processor (CPU) (See Figure Figure 4).

Regarding Claim 5, Kayser discloses that the controller is networkable through a data I/O port (See Col. 9, lines 1-6).

Regarding Claim 8, Kayser discloses that the computerized light control is adapted to control the single feed power provided to each one of the connectors by turning on and off individually each one of the two connectors (i.e. energize or deenergize the light source by operating the power through the connector (See Figures 1D, 1M, 1N and Col. 3, lines 24-54).

Regarding Claim 9, Kayser discloses that the light control is adapted to send and receive signals through I/O port (See Figure 4 and Col. 9, lines 1-5).

Regarding Claim 10, Kayser discloses that the sent and received signals comprise one of the control and status signals (connected to remote computer, statistical analyses) (See Col. 9, lines 1-5).

Regarding Claim 13, Kayser discloses that the controller is an individual connectable replacement for an existing light source (See Col. 1, lines 8-19).

Regarding Claim 14, Kayser discloses that the controller comprises a single screw-in replacement element (any screw, see Figures 1I, 2A).

Regarding Claim 15, Kayser discloses a method of modifying a light output level of a self-contained computerized variable intensity light controller having at least two connectors (connectors on each side of the fluorescent light sources in Figure 1M, 1N) adapted to provide power to at least two fluorescent light sources (See Col. 4, lines 43-50 and Col. 5, lines 1-4), a fluorescent light source connected to each of the two connectors and a computerized light control (160) connected to each of the at least two connectors for controlling individually each of the at least two connectors, the method comprising the steps of:

- receiving a signal to modify the light output level of the fluorescent light sources (See Col. 5, lines 42-59);
- individually activating or deactivating (i.e. energize or deenergize the light source by operating the power through the connector (See Figures 1D, 1M, 1N and Col. 3, lines 24-65) one or more of the at least two connectors in response to the

received signal to modify the light output level of the fluorescent light sources without using a filter, a phase-fired SCR, a choke, and an amplifier.

Regarding Claim 16, Kayser discloses that the controller comprises a computer (216) (See Figure 4).

Regarding Claim 17, Kayser discloses that the controller comprises at least a processor (CPU) (See Figure Figure 4).

Regarding Claim 18, Kayser discloses that the controller is networkable through a data I/O port (See Col. 9, lines 1-6).

Regarding Claim 21, Kayser discloses that the step of individually activating or deactivating comprises individually turning on and off one or more of the at least two connectors (i.e. energize or deenergize the light source by operating the power through the connector (See Figures 1D, 1M, 1N and Col. 3, lines 24-54).

Regarding Claim 22, Kayser discloses that the received signals are received from a network through I/O port (See Figure 2C).

Regarding Claim 23, Kayser discloses that the step of sending a signal indicative of the status (e.g. statistical analyses) of the controller through I/O port (See Figure 2C and Col. 9, lines 1-5).

Regarding Claim 24, Kayser discloses that the step of sending a signal indicative of the status of the at least two connectors such failure, operational parameters.

Regarding Claim 25, Kayser discloses that the controller is a replacement for a light source (See Col. 1, lines 8-19).

Regarding Claim 26, Kayser discloses that the controller is uniquely addressable on a network through I/O port (See Figure 2C).

Regarding Claim 32, Kayser discloses a self-contained, computerized, variable light output level light source comprising:

- a plurality of controllable filaments (each incandescent bulb or fluorescent light bulb inherently comprises filament) (See Figures 1I, 1J, 1M, 1N. Col. 4, lines 43-50 and Col. 5, lines 1-4);
- a power source connector (104 shown in Figure 2A or 204 shown in Figure 4) having a standard light bulb base (18) (See Figure 1A) for connecting the computerized variable intensity light bulb to a standard light bulb socket (114 in figure 2A) as a power source; and
- a computerized light control (206) connected to, and integrated with, the power source connector (204) for receiving power and connected to the plurality of the controllable filaments within the incandescent or fluorescent light, wherein the light control controls each of the plurality controllable filaments without using a filter, a phased-fired SCR, a choke and an amplifier.

Regarding Claim 33, Kayser discloses that the plurality of controllable filaments is two or more filaments since Kayser shows light sources being in groups (Col. 5, lines 1-4).

Regarding Claim 35, Kayser discloses that each of plurality of controllable filaments (inside the light sources) is individually controllable by the light control (206).



Regarding Claim 36, Kayser discloses that the light bulb is a replacement for an existing light source (See Col. 1, lines 8-19).

Regarding Claim 39, Kayser discloses that the light source is connectable to a standard light source socket (114) (See 2A).

### **Claim Rejections 35 U.S.C. 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 20 and 34, in best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kayser (6,333,602) in view of Nishida (6,208,319).

Regarding Claims 7, 20 and 34, as discussed above, Kayser essentially discloses the claimed invention but fails to explicitly disclose 256 light source sockets or filaments. However, Nishida discloses a usage of 256 light bulbs. Since Kayser does not limit the number of sockets and filaments, the implementation of such number (e.g. 256) of the light sources (as the same number of connectors or filaments) is not restricted. It would have been obvious to one of ordinary skill in the art to use any number of sockets or filaments, such as 256, in Kayser in order to attract the attention of observers as desired in as taught by Nishida.

**Allowable subject matter**

Claims 11, 12, 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (703) 872-9306.

A handwritten signature in black ink, appearing to read "Wilson Lee", is written over a horizontal line.

Wilson Lee  
Primary Examiner  
U.S. Patent & Trademark Office

4/5/04